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Permanent Forum on Indigenous Issues
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Draft report

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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Economic and Social Council

Comprehensive dialogue with the secretariat of the Convention on Biological Diversity

1. The Permanent Forum on Indigenous Issues held an in-depth dialogue with the secretariat of the Convention on Biological Diversity on 23 April 2010. The Permanent Forum welcomed the participation of the secretariat and expressed its appreciation for its detailed and informative report on activities in support of indigenous peoples (E/C.19/2010/3).

Discussion

2. The Permanent Forum commends the secretariat of the Convention on Biological Diversity for the in-depth dialogue concerning its present work in advancing and highlighting the role of indigenous peoples in achieving the goals and mandates of the Convention. There are many areas of the work of the secretariat that have a strong focus for indigenous peoples, such as traditional knowledge through articles 8 (j) and 10 (c) and other important articles, access and benefit-sharing, climate change, sui generis and protected areas. The Permanent Forum notes that there are several initiatives that enable indigenous peoples to participate in the work of the Convention on Biological Diversity, including the voluntary fund, which facilitates indigenous peoples' attendance at relevant meetings under the Convention.

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3. The Permanent Forum notes that the meetings of the Ad Hoc Working Group on Article 8 (j) and Related Provisions of the Convention are open to all parties and include enhanced participation mechanisms for indigenous people, who are able to make interventions on all agenda items. The Ad Hoc Working Group on Access and Benefit-sharing has, in its most recent decisions, recognized the importance of the participation of indigenous peoples in the elaboration and negotiation of the international regime on access and benefit-sharing. The Forum congratulates the secretariat of the Convention on Biological Diversity for facilitating and collaborating with the Permanent Forum on a code of ethics to protect indigenous traditional knowledge, which is scheduled to be adopted in 2010 at the tenth Conference of the Parties to the Convention.

4. The Permanent Forum takes note of the 2008 Convention on Biological Diversity Gender Plan of Action, which was drafted with the full and effective participation of indigenous women, and notes that the secretariat of the Convention on Biological Diversity continues to cooperate with the secretariat of the Permanent Forum to ensure that the perspectives and strategies of indigenous women in biodiversity-related issues are taken into account in the work being done under the Convention with regard to indigenous traditional knowledge and that capacity-building efforts target indigenous women.

Recommendations

5. The Permanent Forum notes with concern the slow progress made in the negotiations on the final protocol on access and benefit-sharing. The Permanent Forum reiterates its requests to the parties to the Convention to take into account the United Nations Declaration on the Rights of Indigenous Peoples in the negotiation, adoption and implementation of the access and benefit-sharing protocol.

6. The Permanent Forum congratulates the secretariat of the Convention on Biological Diversity for considering the important role of indigenous peoples in its activities related to the International Year of Biodiversity in 2010 and recommends that it fund and organize a workshop on indigenous peoples and biological diversity as part of its celebration of the Year.

7. The Permanent Forum welcomes the initiative of the secretariat of the Convention on Biological Diversity and the United Nations Educational, Scientific and Cultural Organization to host the International Conference on Biological and Cultural Diversity: Diversity for Development (8-10 June 2010, Montreal, Canada) to develop a joint programme of work on biological and cultural diversity, and requests that future work include broad partnerships with the Permanent Forum, other relevant agencies, indigenous peoples' organizations and non-governmental organizations.

8. The Permanent Forum decides to send a member of the Forum to participate in the Conference to present the outcome of its ninth session on the question of development with culture and identity.

9. The Permanent Forum welcomes the capacity-building efforts being carried out by the secretariat of the Convention on Biological Diversity with the Indigenous Women's Biodiversity Network for the Latin American and Caribbean Region, thanks to the patronage of the Government of Spain, and encourages other donor

Governments to consider sponsoring similar efforts in other regions, in particular in Africa and in the Pacific region.

10. The Permanent Forum notes the general capacity-building efforts on access and benefit-sharing in the African region carried out under Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) of Germany and encourages further efforts to bolster indigenous participation in those workshops and also in developing workshops specifically for indigenous peoples and local communities.

11. The Permanent Forum calls upon the parties to the Convention on Biological Diversity to adopt the terminology "indigenous peoples and local communities" as an accurate reflection of the distinct identities developed by those entities since the adoption of the Convention almost 20 years ago.

12. The Permanent Forum reiterates to the parties to the Convention on Biological Diversity that, consistent with international human rights law, States have an obligation to recognize and protect the rights of indigenous peoples to control access to the genetic resources that originate in their lands and waters and any associated indigenous traditional knowledge. Such recognition must be a key element of the proposed international regime on access and benefit-sharing, consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

13. The Permanent Forum invites United Nations bodies with expertise on human rights, cultural rights and the traditional knowledge of indigenous peoples to provide legal and technical comments on the revised draft protocol to the Convention on Biological Diversity on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization for transmission to parties to the Convention for consideration in their final negotiations.

14. The Permanent Forum decides to appoint Michael Dodson and Victoria Tauli Corpuz, Members of the Permanent Forum, as Special Rapporteurs to organize and undertake a technical review of the proposed international regime on access and benefit-sharing, as recommended in paragraph 48 (i) of the report of the international expert group meeting (E/C.19/2007/8).

15. The Permanent Forum recommends that the Ad Hoc Working Group on Access and Benefit-sharing consider at its next meeting the report of the international indigenous and local community consultation on access and benefit-sharing and the development of an international regime (UNEP/CBD/WG-ABS/5/INF/9).

16. The Permanent Forum decides to appoint a member to participate in any future meetings of the Working Group on access and benefit-sharing and the tenth Conference of the Parties to the Convention.